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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AARON BREEDEN, et al.,

Case No. C 04-05104 SC

24 Plaintiffs,

25 vs.

26 BENCHMARK LENDING GROUP,
27 INC., a Delaware Corporation and DOES
28 1 through 100, inclusive,

Defendants.

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINE FOR
OPPOSITION TO AND HEARING ON
MOTION FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT

IT IS HEREBY STIPULATED between the parties, through their attorneys of record, as follows:

On August 26, 2005, Plaintiffs filed a motion for leave to file a First Amended Complaint. The hearing on this Motion is September 30, 2005. The last day to file an Opposition to this Motion is September 9, 2005.

1 On Tuesday, September 6, 2005, Defendant Benchmark Lending Group decided to retain
2 new counsel, Morgan Lewis and Bockius LLP ("MLB"), in connection with this action.

3 On Wednesday, September 7, 2005, Rebecca Eisen of MLB, informed Plaintiffs' attorney,
4 Peter Simon, of this development. On Thursday, September 8, 2005, Ms. Eisen asked Mr. Simon
5 to stipulate to a two-week extension of time to oppose the motion for leave to amend. Mr. Simon
6 agreed.

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8 Accordingly, the parties agree that the deadline to oppose the motion be continued to
9 September 23, 2005, and that the hearing on the motion be continued to October 14, 2005.

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11 Dated: September 8, 2005

MORGAN, LEWIS & BOCKIUS LLP

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13 By

Barbara I. Antonucci
Attorneys for Defendant
BENCHMARK LENDING GROUP, INC.

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16 Dated: September 8, 2005

BEYERS COSTIN

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18 By

Peter L. Simon
Attorneys for Plaintiffs
AARON BREEDEN et al.

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21 IT IS SO ORDERED:

22 Dated: September 22, 2005

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Hon. Samuel Conti

